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# NASA Policy Directive

**NPD 2010.1D**

Effective Date: February 25, 1997

Expiration Date: April 04, 2013

**COMPLIANCE IS MANDATORY**[Printable Format \(PDF\)](#)

Request Notification of Change

 (NASA Only)

## **Subject: Court Actions or Proceedings Involving NASA or NASA Employees (Revalidated 4/4/08)**

**Responsible Office: Office of the General Counsel**

### **1. Policy**

It is NASA policy that any information concerning court actions, or administrative or regulatory proceedings, brought on behalf of, or against, the United States, NASA, or any NASA current or former employee, resulting from alleged NASA activities, must be promptly reported to the appropriate legal counsel at the Agency.

### **2. Applicability**

- a. This directive applies to NASA Headquarters and NASA Centers, including Component Facilities.
- b. This directive is in addition to, and does not replace, any other applicable requirements concerning court actions or proceedings such as those set forth in the below cited references.
- c. Court actions or administrative or regulatory proceedings mean all legal proceedings, in law or in equity, before a court or administrative body, brought on behalf of, or against, the United States, NASA, or any current or former NASA employees, even if not named as a party, in which it is contended that the matter complained of resulted from alleged NASA activities or operations. These include the following:
  - (1) Naming NASA as a defendant or respondent, or making allegations directed at an official activity of NASA personnel, or activities involving NASA contractors or subcontractors.
  - (2) Making assertions involving NASA's nonappropriated fund activities.
  - (3) Asserting damages against a NASA officer or employee (involving such activities as contracting, transportation, property, or personnel) allegedly resulting from the conduct of official duties.
  - (4) Raising contentions involving the NASA Office of the Inspector General (OIG).

### **3. Authority**

42 U.S.C. 2473(c)(1), Section 203(c)(1) of the National Aeronautics and Space Act of 1958, as amended.

### **4. References**

- a. 14 CFR Part 1263.
- b. 14 CFR Subpart 1261.3.
- c. 5 CFR Parts 581 and 582.

### **5. Responsibility**

- a. Each NASA officer or employee who receives a complaint, subpoena, or any other form of notice of the existence of a court action or proceeding, will do the following:

- (1) Provide prompt oral notification to the legal counsel of the affected NASA Installation, e.g.,
- (a) for Headquarters or Agencywide - the Office of the General Counsel.
  - (b) Center or Component Facility - the Office of the Chief Counsel.
  - (c) for any matter involving the OIG - the Attorney-Advisor to the Inspector General.
- (2) As soon as practicable, but in any event, no later than five (5) working days thereafter (unless a longer period is agreed to by legal counsel), provide written notification to the appropriate legal counsel. The written notification must include a copy of any and all pertinent papers received or documents served and specifically state the date of receipt or service.
- b. Each Chief Counsel, taking into consideration the facts and circumstances of the action or proceeding, will forward, in a timely manner and by whatever means deemed appropriate to the situation, notice to the Office of the General Counsel and provide pertinent documents concerning the action or proceeding and information relevant to the alleged activities and/or personnel of the Center or Component Facility.

## 6. Delegation of Authority

Not applicable.

## 7. Measurements

None.

## 8. Cancellation

NPD 2010.1C, dated December 18, 2006.

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### REVALIDATED APRIL 4, 2008, ORIGINAL SIGNED BY

/s/ Daniel R. Mulville  
Acting Administrator

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### Attachment A: (Text)

None.

### (URL for Graphic)

None.

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